

REMARKS/ARGUMENTS

The amendments to Claims 1-4 are supported by these claims as originally filed. New Claim 19 find support at specification page 9, 6-8 lines up from the bottom. New Claim 20 is supported throughout the specification. See, for example, specification page 1, lines 1-3. No new matter has been entered.

To any extent that new Claim 20 is considered as not being directed to the invention elected by original presentation, and is thereby withdrawn, Applicants request the rejoinder and allowance of this claim along with the allowance of pending Claim 1 as new Claim 20 includes all the limitations of this allowable product claim. See MPEP 821.04(b), “Rejoinder of Process Requiring an Allowable Product.” Similarly, Applicants request that the examination of this application be expanded to include ethoxylated diamines as encompassed by generic Claim 1. See Claim 4. MPEP 809.02(a).

The objection to Claim 1 has been addressed by the above amendment. It should be reconsidered and withdrawn.

The obviousness rejection over WO ‘315 in view of Kipp is traversed.

As the Examiner has noted, WO ‘315 was provided in an IDS. Also provided with that IDS was the International Search Report characterizing WO ‘315 as a category “A” reference – a “document defining a general state of the art which is not considered to be of particular relevance.”

Notably, WO ‘315 differs from the present invention in that the disclosed cleansing agent does not contain Applicants’ presently claimed component a) – an ethoxylated amine and/or an ethoxylated diamine. The reference also teaches away from the use of polyhydric alcohols such as polyethylene glycol and propylene glycol at column 6, lines 23-26 thereof. Quite importantly, Applicants’ presently claimed skin cleansing agent *requires* as component b) herein from 30 to 70 wt.% of at least one polyethylene glycol.

Thus, WO ‘315 does not disclose, of Applicants presently claimed components a) – j), either of components a) or b) herein. In addition, the reference specifically directs one of ordinary skill in the art not to use Applicants’ presently component b), which Applicant requires in an amount of at least 30 wt.%.

Other than providing a general background in the art, as recognized in the International Search Report, WO ‘315 certainly, by itself, is not suggestive of the present invention and, importantly, *teaches away* therefrom by specifically directing one of ordinary skill in the art *not* to use Applicants presently claimed component b).

In order to make up for the “deficiencies” in WO ‘315, the Examiner apparently relies on Chiarelli, which is directed to a personal care composition containing inverse emulsion polymers and not to a skin cleansing composition for removing ink, which is the subject of WO ‘315.¹ The Examiner cites to paragraph [0109] of Chiarelli, where PEG-15 cocamine is listed as a neutralizer or a pH adjuster for use in personal care compositions containing inverse emulsion polymers. This, of course, has little to do with the compositions of WO ‘315, which are skin cleansing compositions, which are not emulsions or inverse emulsions, and which, in fact, preferably include no water (see page 9, lines 10-14 of WO ‘315). In this regard, there clearly is no reason to use the pH adjuster or neutralizer of Chiarelli, used therein in conjunction with the pH sensitive monomer dispersed in water in the inverse emulsions described (see, e.g., paragraphs [0055] ff of the reference), in WO ‘315, nor is there any teaching or disclosure that would suggest such addition to one ordinary skill in the art. Kipp, apparently cited for the proposition that polyethylene glycols exist, similarly nowhere discloses or suggests in the described method for preparing small particles that it would be a good idea to use polyethylene glycol in the skin cleansing compositions of WO

¹ Chiarelli is not included in the statement of the rejection at paragraph 6. of the Official Action (see page 3 thereof). Thus, its status is uncertain.

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'315 against the specific advice therein that such materials do not provide the enhanced ink removal properties desired of the compositions disclosed in this reference.

Accordingly, and viewing from a distance what the references applied against the claims would teach or suggest to one of ordinary skill in the art, it cannot fairly be stated that such a person would be led or directed in any manner to the presently claimed skin cleansing agent comprising components a) - j) herein. The rejection is strained in this regard, and is unsustainable on appeal. For these reasons the rejection should be reconsidered and withdrawn, and this case passed to Issue.

As a final matter, Applicants note that they filed an IDS on July 31, 2009, including two PTO-1449s. These 1449s have not been initialed and returned to Applicants, and it is requested that the Examiner do so with the Notice of Allowance. For the Examiner's convenience, copies of these 1449s are attached hereto.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Richard L. Treanor
Attorney of Record
Registration No. 36,379

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)

Form PTO 1449 (Modified)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY DOCKET NO. 283578US0PCT		SERIAL NO. 10/572,574	
LIST OF REFERENCES CITED BY APPLICANT		APPLICANT					
		Edeltraud BLAESER, et al.					
		FILING DATE		GROUP			
		March 17, 2006		1617			
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA	6,376,438	04/23/02	ROSENBERGER, et al.			
	AB	6,471,983	10/29/02	VEEGER, et al.			
	AC	6,489,275	12/03/02	VEEGER, et al.			
	AD	US2004/0170592 A1	09/02/04	VEEGER, et al.			
	AE	7,241,452	07/10/07	VEEGER, et al.			
	AF	US2005/0031580 A1	02/10/05	ALLEF, et al.			
	AG	US2006/0182690 A1	08/17/06	VEEGER, et al.			
	AH	7,163,916	01/16/07	ALLEF, et al.			
	AI	7,297,675	11/20/07	ALLEF, et al.			
	AJ	US2006/0198859 A1	09/07/06	ALLEF, et al.			
	AK	US2007/0092470 A1	04/26/07	ALLEF, et al.			
	AL	US2006/0204468 A1	09/14/06	ALLEF, et al.			
	AM	US2006/0165627 A1	07/27/06	ALLEF, et al.			
	AN	US2008/0145320 A1	06/19/08	WENK, et al.			
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION		
					YES	NO	
	AO						
	AP						
	AQ						
	AR						
	AS						
	AT						
	AU						
	AV						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)							
	AW						
	AX						
	AY						
	AZ					<input type="checkbox"/> Additional References sheet(s) attached	
Examiner						Date Considered	
*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AAA	US2008/0305056 A1	12/11/08	JENNI, et al.			
	ABA	US2009/0054521 A1	02/26/09	HERRWERTH, et al.			
	ACA						
	ADA						
	AEA						
	AFA						
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	AIA						
	AJA						
	AKA						
	ALA						
	AMA						
	ANA						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES	NO	
	AQA						
	APA						
	AQA						
	ARA						
	ASA						
	ATA						
	AUA						
	AVA						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)							
	AWA						
	AXA						
	AYA						
	AZA					<input type="checkbox"/> Additional References sheet(s) attached	
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